

# **Plaintiffs' Exhibit 81**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

-----X  
UNITED STATES, ET AL., :  
:  
Plaintiff, :  
:  
Case No. :  
v. : 1:23-cv-00108-LMB-JFA  
:  
GOOGLE LLC, :  
:  
Defendant. :  
-----X

VIDEOTAPED DEPOSITION OF SUSAN A. MCMEEN  
Thursday, September 7, 2023; 9:45 a.m. EDT

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR,  
CLR, RSA, NYRCR, NYACR, CA CSR 14409, NJ CCR  
30XI00244600, NJ CRT 30XR00019500, Washington State CSR  
23005926, Oregon CSR 230105, TN CSR 998, NW CSR 589,  
Remote Counsel Reporter, LiveLitigation Authorized  
Reporter, Notary Public  
Job No. 6067835

<p style="text-align: right;">Page 22</p> <p>1 been finished.</p> <p>2 MR. SOSNOWSKY: And I would also</p> <p>3 ask that you just give a pause so that I</p> <p>4 can --</p> <p>5 THE WITNESS: Sure.</p> <p>6 MR. SOSNOWSKY: -- interject an</p> <p>7 objection, if appropriate.</p> <p>8 BY MR. GREENBAUM:</p> <p>9 Q. So approximately how many calls did</p> <p>10 you have with this group of individuals to</p> <p>11 prepare for your deposition today?</p> <p>12 A. It was a couple calls.</p> <p>13 I don't remember exactly the</p> <p>14 lengths of those calls, but they weren't that</p> <p>15 long.</p> <p>16 Q. More than 30 minutes?</p> <p>17 MR. SOSNOWSKY: Objection: form.</p> <p>18 THE WITNESS: I'd say, you know,</p> <p>19 maybe an hour or so. Maybe a couple --</p> <p>20 maybe one or two went a little bit</p> <p>21 longer. I just don't remember.</p> <p>22</p>	<p style="text-align: right;">Page 24</p> <p>1 the subject matter of the deposition?</p> <p>2 A. They are just aware of the</p> <p>3 information that we've had to collect for it, but</p> <p>4 nothing in particular about it.</p> <p>5 Q. So what did you tell your staff in</p> <p>6 particular about the subject matter of the</p> <p>7 deposition?</p> <p>8 A. They just know I'm being deposed,</p> <p>9 but it's -- that's about -- that's it.</p> <p>10 Q. And did you discuss your</p> <p>11 participation in this lawsuit with anyone besides</p> <p>12 those with whom you prepared for this deposition?</p> <p>13 A. No.</p> <p>14 Q. Anyone from Stratacomm?</p> <p>15 A. No.</p> <p>16 Q. Anyone from Ad Council?</p> <p>17 A. No.</p> <p>18 Q. Friends?</p> <p>19 A. No.</p> <p>20 Q. Anyone else at NHTSA?</p> <p>21 A. Just my attorneys at NHTSA.</p> <p>22 Q. Did you discuss your participation</p>
<p style="text-align: right;">Page 23</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. Okay. Did you discuss your</p> <p>3 deposition with anyone besides the people with</p> <p>4 whom you've prepared?</p> <p>5 A. No.</p> <p>6 Q. Did you discuss this deposition</p> <p>7 with anyone from Stratacomm?</p> <p>8 A. No.</p> <p>9 Q. Did you discuss this deposition</p> <p>10 with anyone from Ad Council?</p> <p>11 A. No.</p> <p>12 Q. Did you discuss this deposition</p> <p>13 with any friends?</p> <p>14 A. No.</p> <p>15 Q. Any family?</p> <p>16 A. No.</p> <p>17 Q. Did you tell anyone that you were</p> <p>18 going to be deposed today?</p> <p>19 A. I spoke to my staff and told them</p> <p>20 that I would not be available because of this</p> <p>21 going on.</p> <p>22 Q. And did you tell any -- your staff</p>	<p style="text-align: right;">Page 25</p> <p>1 in this lawsuit with Elizabeth Nilsson?</p> <p>2 A. No.</p> <p>3 Q. With Julie Vallese? Am I --</p> <p>4 A. No. Vallese.</p> <p>5 Q. Vallese?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And --</p> <p>8 A. No --</p> <p>9 Q. -- you did not?</p> <p>10 A. -- except for she knows that I'm</p> <p>11 being deposed --</p> <p>12 Q. Okay.</p> <p>13 A. -- and being at the meeting.</p> <p>14 Again, Elizabeth is on my staff, so</p> <p>15 I obviously had to tell my staff why I would not</p> <p>16 be available.</p> <p>17 Q. Okay. What is your current title?</p> <p>18 A. The director of consumer</p> <p>19 information.</p> <p>20 Q. And how long have you held that</p> <p>21 title?</p> <p>22 A. A little over 15 years.</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 Q. Prior to that, what position did</p> <p>2 you hold?</p> <p>3 A. I was at a different organization.</p> <p>4 Q. What organization?</p> <p>5 A. That was the Office of Personnel</p> <p>6 Management.</p> <p>7 Q. And from what years did you -- how</p> <p>8 long did you hold a position at the Office of</p> <p>9 Personnel Management?</p> <p>10 A. It was a little over two years.</p> <p>11 I'd have to back out the years.</p> <p>12 Do you want me to do that?</p> <p>13 Q. No.</p> <p>14 A. Thank you.</p> <p>15 Q. But what was your title there?</p> <p>16 A. I was -- I believe it was the</p> <p>17 director of business development.</p> <p>18 Q. And what was your role in that</p> <p>19 position?</p> <p>20 A. So I handled the communications and</p> <p>21 the business development for two parts, or</p> <p>22 organizations, within the -- I'll just call it</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. -- what was your role at the Postal</p> <p>2 Service?</p> <p>3 A. I had several roles there. One of</p> <p>4 them -- I was a product manager for the</p> <p>5 self-service area, and then I was the manager of</p> <p>6 the call center there and then a first-class</p> <p>7 manager managing the first-class product and</p> <p>8 other products there.</p> <p>9 Q. And do you have any marketing or</p> <p>10 communications experience that predates your</p> <p>11 position at the U.S. Postal Service?</p> <p>12 A. Yes. I worked for the Department</p> <p>13 of Energy within the Energy Efficiency and</p> <p>14 Renewable Energy.</p> <p>15 Q. Any other positions?</p> <p>16 A. Yes.</p> <p>17 Prior to that, I worked for the</p> <p>18 Energy Information Administration.</p> <p>19 Q. In total, how many years of</p> <p>20 experience do you have in the field of marketing</p> <p>21 and communications?</p> <p>22 A. Over 25 years.</p>
<p style="text-align: right;">Page 27</p> <p>1 "OPM," for short.</p> <p>2 Q. What two parts of the organization?</p> <p>3 A. Oh, gosh. I remember their</p> <p>4 acronyms.</p> <p>5 The CLCS, which is -- there was a</p> <p>6 consulting service there that provided consulting</p> <p>7 services for the rest of the Government. And</p> <p>8 then there was a leadership development</p> <p>9 organization where I provided marketing</p> <p>10 assistance and oversight for them.</p> <p>11 Q. And prior to your position at OPM,</p> <p>12 what -- did you hold any other positions in</p> <p>13 marketing or communications?</p> <p>14 MR. SOSNOWSKY: Objection --</p> <p>15 THE WITNESS: Not --</p> <p>16 MR. SOSNOWSKY: -- form.</p> <p>17 Go ahead.</p> <p>18 THE WITNESS: I worked at the</p> <p>19 Postal Service --</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. And --</p> <p>22 A. -- prior to that.</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Okay. Can you describe your role</p> <p>2 as a director of consumer information for the --</p> <p>3 for NHTSA?</p> <p>4 A. So I manage a wide variety of</p> <p>5 issues, ranging from mark -- consumer market</p> <p>6 research to creative development to partner</p> <p>7 strategies to media buying, managing staff,</p> <p>8 managing the budgets and addressing other</p> <p>9 concerns that come up with regards to</p> <p>10 communications.</p> <p>11 Q. And who do you report to at NHTSA?</p> <p>12 A. My boss is Julie Vallese.</p> <p>13 Q. And what's her title?</p> <p>14 A. Associate administrator of consumer</p> <p>15 information and communications.</p> <p>16 Q. And who reports to you?</p> <p>17 A. I have six people on my staff.</p> <p>18 Q. Okay. And what are their</p> <p>19 responsibilities?</p> <p>20 A. They --</p> <p>21 MR. SOSNOWSKY: Objection: form.</p> <p>22 Go ahead.</p>

8 (Pages 26 - 29)

<p style="text-align: right;">Page 34</p> <p>1 So some -- my staff have -- managed</p> <p>2 campaigns that are on multiple different</p> <p>3 contracts, but I have appointed people who are</p> <p>4 over all the main core, the contract officer</p> <p>5 representative for the contract.</p> <p>6 Q. So does Ms. Nilsson work on -- is</p> <p>7 Ms. Nilsson responsible for -- does Ms. Nil- --</p> <p>8 strike that.</p> <p>9 Does Ms. Nilsson work on campaigns</p> <p>10 that other individuals are responsible for and</p> <p>11 she provides support?</p> <p>12 A. No; she manages her own campaigns,</p> <p>13 too. She has the child passenger safety</p> <p>14 campaigns, the heat-stroke campaign, and is</p> <p>15 overseeing one of the campaigns as we call</p> <p>16 "speed."</p> <p>17 Q. Okay. And who's the fifth person</p> <p>18 that reports to you?</p> <p>19 A. That would be Thomas Bayhi.</p> <p>20 Q. And what are Mr. Bayhi's</p> <p>21 responsibilities?</p> <p>22 A. So, right now, because he's with --</p>	<p style="text-align: right;">Page 36</p> <p>1 remember them all.</p> <p>2 We do have the vehicle -- we have a</p> <p>3 theft-prevention campaign, to the best of my</p> <p>4 knowledge -- I'm trying to remember these.</p> <p>5 Q. Let me try it this way --</p> <p>6 A. Thank you.</p> <p>7 Q. -- does your role as director of</p> <p>8 consumer information include responsibilities for</p> <p>9 all advertising campaigns that are relevant to</p> <p>10 this lawsuit?</p> <p>11 MR. SOSNOWSKY: Objection: vague.</p> <p>12 THE WITNESS: So it's hard for me</p> <p>13 to know exactly all the details because I</p> <p>14 really don't. I've tried to keep myself</p> <p>15 pretty distant from this. So -- just to</p> <p>16 really provide whatever information is</p> <p>17 asked of me.</p> <p>18 So I really have not gone and</p> <p>19 compared all the list. I've only been</p> <p>20 asked to provide information, and that is</p> <p>21 what I've done.</p> <p>22 So I can't really tell you,</p>
<p style="text-align: right;">Page 35</p> <p>1 has only been with us a little over a year, he's</p> <p>2 more working with my other campaign managers.</p> <p>3 So he is supporting the speed</p> <p>4 campaign, the motorcycle, bikes, move over, to</p> <p>5 the best of my knowledge.</p> <p>6 And then, also, we're going to be</p> <p>7 putting on a communications forum in a month, and</p> <p>8 he is working on that.</p> <p>9 Q. And the last person that reports to</p> <p>10 you -- what's their name?</p> <p>11 A. Her name is Gabriela Gordon. And</p> <p>12 she just started working for me about a month and</p> <p>13 a half or two months ago, somewhere around that</p> <p>14 time frame.</p> <p>15 Q. And what are her responsibilities?</p> <p>16 A. Right now, her sole responsibility</p> <p>17 is to assist in the development and execution of</p> <p>18 the communications forum.</p> <p>19 Q. Are there any campaigns that NHTSA</p> <p>20 runs that you did not mention in the context of</p> <p>21 the responsibilities of your team?</p> <p>22 A. Yes. I just -- it's hard to</p>	<p style="text-align: right;">Page 37</p> <p>1 without seeing the list, what exactly is</p> <p>2 in the list and what I work on.</p> <p>3 BY MR. GREENBAUM:</p> <p>4 Q. What do you mean -- what do you</p> <p>5 mean when you say you've tried to keep yourself</p> <p>6 pretty distant from this?</p> <p>7 A. I have answered questions that my</p> <p>8 attorneys at NHTSA -- I'll just call it "NHTSA."</p> <p>9 It's the National Highway Traffic Safety</p> <p>10 Administration. Sorry -- whatever information</p> <p>11 has been asked of us, I have provided or I've</p> <p>12 asked my staff to provide, and really just to</p> <p>13 answer questions that people have asked of me</p> <p>14 to -- you know, that they've asked.</p> <p>15 Q. So does your role of director of</p> <p>16 consumer information include responsibilities for</p> <p>17 all advertising campaigns that NHTSA runs?</p> <p>18 A. Yes.</p> <p>19 Q. And there's a subset of those</p> <p>20 campaigns that are relevant to this lawsuit; is</p> <p>21 that right?</p> <p>22 MR. SOSNOWSKY: Objection:</p>

10 (Pages 34 - 37)

<p style="text-align: right;">Page 70</p> <p>1 A. Okay.</p> <p>2 And it's what number?</p> <p>3 Q. One hundred is -- are the last</p> <p>4 three digits.</p> <p>5 Yep. You should see big text that</p> <p>6 says, Media Planning.</p> <p>7 A. I do.</p> <p>8 Q. So it says, Media Planning.</p> <p>9 What is media planning?</p> <p>10 A. They plan our media -- it's just</p> <p>11 the process of planning to put together the media</p> <p>12 by plan.</p> <p>13 Q. Great.</p> <p>14 And what would be the purpose of --</p> <p>15 and you can look through the slide deck -- what</p> <p>16 would be the purpose of this slide deck?</p> <p>17 MR. SOSNOWSKY: Objection: form.</p> <p>18 (Whereupon, the witness reviews</p> <p>19 the material provided.)</p> <p>20 THE WITNESS: Hold on. I just . .</p> <p>21 .</p> <p>22 I'm sorry. Can you repeat your</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Sure.</p> <p>2 Q. -- and what might be different</p> <p>3 today than it was in 2019.</p> <p>4 Okay?</p> <p>5 Let's take a look at Slide 2.</p> <p>6 A. Okay.</p> <p>7 Q. This is the Bates ending in 101.</p> <p>8 It says Media Deliverables at the top.</p> <p>9 What does this slide depict about</p> <p>10 the process that NHTSA or its ad agencies use to</p> <p>11 engage in media planning?</p> <p>12 MR. SOSNOWSKY: Objection:</p> <p>13 foundation.</p> <p>14 THE WITNESS: So this is just a</p> <p>15 very high overview of just kind of points</p> <p>16 in time, but there's things that happen</p> <p>17 during these times.</p> <p>18 So it's just a very 50,000-foot</p> <p>19 level.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. Let me try it this way. I'm trying</p> <p>22 to get a basic understanding --</p>
<p style="text-align: right;">Page 71</p> <p>1 question now?</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. What is the purpose of this slide</p> <p>4 deck?</p> <p>5 MR. SOSNOWSKY: Objection:</p> <p>6 foundation.</p> <p>7 THE WITNESS: You know, it's been</p> <p>8 four or five years since this was put</p> <p>9 together. I can only kind of -- I can't</p> <p>10 really recall why we put it together back</p> <p>11 then.</p> <p>12 BY MR. GREENBAUM:</p> <p>13 Q. Does it generally describe the</p> <p>14 media planning process that NHSTA's ad agencies</p> <p>15 use to purchase advertising?</p> <p>16 A. No. Actually, it -- it -- it talks</p> <p>17 about media buy planning, but the -- when you use</p> <p>18 the word "process," I guess I need to understand</p> <p>19 more what you mean by that.</p> <p>20 Q. Well, let's walk through a couple</p> <p>21 of pages, and you can tell me what represents</p> <p>22 your process --</p>	<p style="text-align: right;">Page 73</p> <p>1 A. Sure.</p> <p>2 Q. -- of the process that your ad</p> <p>3 agencies employ to purchase advertising --</p> <p>4 A. Um-hum.</p> <p>5 Q. -- and I see on this page that</p> <p>6 there are three deliverables that the -- that are</p> <p>7 depicted.</p> <p>8 There's a Media Work Plan, a Media</p> <p>9 Buy Recommendation and a Media Buy Summary.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Are those three deliverables that</p> <p>13 your ad agencies provide in order to assist NHTSA</p> <p>14 with planning its media purchases?</p> <p>15 MR. SOSNOWSKY: Objection: form.</p> <p>16 THE WITNESS: So if you want to</p> <p>17 reference 2019 --</p> <p>18 BY MR. GREENBAUM:</p> <p>19 Q. Yeah.</p> <p>20 A. -- I don't really recall exactly</p> <p>21 the process which we used then. It has evolved</p> <p>22 over time.</p>

<p style="text-align: right;">Page 74</p> <p>1 So that's why it's -- I'm trying to</p> <p>2 understand your question, but I need more</p> <p>3 specifics of what you're looking for.</p> <p>4 Q. Does your ad agency send you a</p> <p>5 media work plan before they engage in a campaign</p> <p>6 to purchase advertising?</p> <p>7 MR. SOSNOWSKY: Objection: form.</p> <p>8 THE WITNESS: They provide us a</p> <p>9 media work plan that they -- the agency</p> <p>10 will provide to us. And then we will</p> <p>11 meet with them and discuss the media buy</p> <p>12 plan.</p> <p>13 There a lot of times are revisions</p> <p>14 and things that need to be changed before</p> <p>15 we feel comfortable with the plan. Once</p> <p>16 we're comfortable with the plan, then we</p> <p>17 approve the plan.</p> <p>18 BY MR. GREENBAUM:</p> <p>19 Q. Okay. Do you -- so the -- the</p> <p>20 first step is they provide a work plan?</p> <p>21 A. Yes.</p> <p>22 Q. You review the work plan?</p>	<p style="text-align: right;">Page 76</p> <p>1 together what we call now -- a more like</p> <p>2 Excel spreadsheets with all the detail of</p> <p>3 what they're planning on purchasing</p> <p>4 associated with the media buy summary of</p> <p>5 all the different things associated with</p> <p>6 it.</p> <p>7 BY MR. GREENBAUM:</p> <p>8 Q. In 2019, did your media agencies</p> <p>9 provide a media buy recommendation deliverable</p> <p>10 like that depicted in this slide?</p> <p>11 MR. SOSNOWSKY: Objection: form.</p> <p>12 THE WITNESS: So the media buy</p> <p>13 recommendation is actually something that</p> <p>14 they recommended. I do not believe -- I</p> <p>15 am not certain and I cannot recall if we</p> <p>16 actually instituted that. I just know,</p> <p>17 really, the way we operate today.</p> <p>18 BY MR. GREENBAUM:</p> <p>19 Q. Can you go to slide ending in</p> <p>20 Bates 105?</p> <p>21 If you look on the right side of</p> <p>22 the page, it says, As much as possible,</p>
<p style="text-align: right;">Page 75</p> <p>1 A. My campaign manager of a specific</p> <p>2 campaign will review the plan, sometimes with me,</p> <p>3 sometimes without me. And then we will</p> <p>4 collectively, most times, but not always, then</p> <p>5 meet with the ad agency to discuss the media buy</p> <p>6 plan.</p> <p>7 Q. And then I see a second deliverable</p> <p>8 called "media buy recommendations."</p> <p>9 What's the role of the media buy</p> <p>10 recommendation deliverable --</p> <p>11 MR. SOSNOWSKY: Objection:</p> <p>12 foundation.</p> <p>13 BY MR. GREENBAUM:</p> <p>14 Q. -- in this process?</p> <p>15 MR. SOSNOWSKY: Same objection.</p> <p>16 THE WITNESS: So, as I said</p> <p>17 earlier, things have evolved, and we do</p> <p>18 things a little bit differently now. So</p> <p>19 there isn't, like, these three distinct</p> <p>20 processes; it's more fluid now.</p> <p>21 So once the plan is approved,</p> <p>22 they're able to go back and then put</p>	<p style="text-align: right;">Page 77</p> <p>1 recommendations are bundled by channel/medium and</p> <p>2 sent for review.</p> <p>3 In 2019, did your ad agencies</p> <p>4 bundle their recommendations by channel/medium</p> <p>5 for your review?</p> <p>6 MR. SOSNOWSKY: Objection: form.</p> <p>7 THE WITNESS: So they have -- I</p> <p>8 don't like -- I would like to use the</p> <p>9 word, instead of bundled, "categories" or</p> <p>10 "buckets."</p> <p>11 If we're referring to 2019, I</p> <p>12 can't really recall exactly how it was</p> <p>13 done. Again, this is really -- from my</p> <p>14 understanding, this document here and the</p> <p>15 e-mail -- it was a recommendation that</p> <p>16 they're trying to provide to us to the</p> <p>17 process.</p> <p>18 We do work continually with our ad</p> <p>19 agencies to better refine and develop a</p> <p>20 better media work plan that is digestible</p> <p>21 and then used for our states and local</p> <p>22 communities to use.</p>

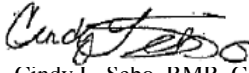
20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 So, really, that is one of the</p> <p>2 main purposes for that document and also</p> <p>3 for us to use. But mostly, when we</p> <p>4 develop it, we're doing it in such a way</p> <p>5 so that the states and local communities</p> <p>6 can pick it up and understand then what</p> <p>7 has -- what is NHTSA planning on</p> <p>8 purchasing so they can develop their own</p> <p>9 plans.</p> <p>10 BY MR. GREENBAUM:</p> <p>11 Q. And setting aside the, you know,</p> <p>12 media buy recommendation or the deliverable that</p> <p>13 you are -- your ad agency provides, do they</p> <p>14 typically bundle media purchases by channel or</p> <p>15 medium?</p> <p>16 MR. SOSNOWSKY: Objection: form.</p> <p>17 THE WITNESS: So I wouldn't want</p> <p>18 to say that all of these are always</p> <p>19 included. Some may, some not. They've</p> <p>20 changed over time, too. So I really need</p> <p>21 to know exactly when you're asking this</p> <p>22 or if -- what your question -- how -- you</p>	<p style="text-align: right;">Page 80</p> <p>1 differently depending upon a campaign.</p> <p>2 Can we take a break in just a</p> <p>3 few minutes?</p> <p>4 MR. GREENBAUM: Now's a good time.</p> <p>5 THE WITNESS: Okay. Great.</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 10:47 a.m. This ends Unit 1. We're off</p> <p>8 the record.</p> <p>9 --oOo--</p> <p>10 (Whereupon, a recess was taken from</p> <p>11 10:47 a.m. EDT to 11:02 a.m. EDT.)</p> <p>12 --oOo--</p> <p>13 THE VIDEOGRAPHER: The time is</p> <p>14 11:02 a.m. This begins Unit Number 2.</p> <p>15 We're on the record.</p> <p>16 MR. SOSNOWSKY: Okay. Counsel,</p> <p>17 actually, something that -- you both kind</p> <p>18 of trail off in your question and your</p> <p>19 answer. So if you could just both be</p> <p>20 careful that one is finished before you</p> <p>21 respond and that you finish your answer</p> <p>22 before you ask, I'd appreciate it,</p>
<p style="text-align: right;">Page 79</p> <p>1 know, specifically what you're asking.</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. Are media purchases recommendations</p> <p>4 typically bundled according to the channel and</p> <p>5 medium, in your experience?</p> <p>6 A. So --</p> <p>7 MR. SOSNOWSKY: Objection: form.</p> <p>8 THE WITNESS: -- so, as I had</p> <p>9 mentioned earlier, we don't really bundle</p> <p>10 things; we put them in buckets and</p> <p>11 categories. So, you know, that's what --</p> <p>12 how the agency will present it to us.</p> <p>13 The titles may change because</p> <p>14 media is changing.</p> <p>15 BY MR. GREENBAUM:</p> <p>16 Q. What's in the category that's</p> <p>17 listed as Custom here below?</p> <p>18 MR. SOSNOWSKY: Objection:</p> <p>19 foundation.</p> <p>20 THE WITNESS: I don't know, given</p> <p>21 just seeing this, what the intent was</p> <p>22 because it could be interpreted</p>	<p style="text-align: right;">Page 81</p> <p>1 because I get lost sometimes.</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. You can put the document aside for</p> <p>4 a second.</p> <p>5 A. Okay.</p> <p>6 Q. Speaking generally about the</p> <p>7 process NHTSA uses to purchase advertising, what</p> <p>8 input does -- does your team have on which</p> <p>9 channels are used to advertise on behalf of</p> <p>10 NHTSA?</p> <p>11 A. Are you referring to a particular</p> <p>12 time period or --</p> <p>13 Q. Let's start with today.</p> <p>14 A. Okay. So we look -- NHTSA looks to</p> <p>15 the ad agency to bring forth the appropriate</p> <p>16 channels to use in our paid media campaigns.</p> <p>17 Q. Does your team have any input on</p> <p>18 that channel mix?</p> <p>19 A. We look to our ad agency to provide</p> <p>20 us the expertise of media buying to give us the</p> <p>21 best approach in how to reach our target</p> <p>22 audience.</p>



<p style="text-align: right;">Page 262</p> <p>1 Trade Desk, Sling TV; is that right?</p> <p>2 A. That's what they're listing, but I</p> <p>3 do not know if that's all-inclusive.</p> <p>4 Q. Okay. And there could be others?</p> <p>5 A. There could be.</p> <p>6 Q. I want to go back to Tab 41, which</p> <p>7 is Exhibit 100, something we previously looked</p> <p>8 at.</p> <p>9 And this is the e-mail from</p> <p>10 Glaciera Mason to you, attaching a Labor Day --</p> <p>11 Labor Day media work plan.</p> <p>12 Okay?</p> <p>13 A. I don't believe I recall us going</p> <p>14 through this.</p> <p>15 Q. Do you recall me asking you who ST1</p> <p>16 refers to, the first page, first e-mail?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 Okay. So I'd like to go to Page 3,</p> <p>20 Bates ending in 73, of the presentation that she</p> <p>21 attaches. You can read the presentation, which</p> <p>22 we've previously reviewed, I think. It's called</p>	<p style="text-align: right;">Page 264</p> <p>1 Q. Okay.</p> <p>2 So I just want to ask a couple of</p> <p>3 questions on Page 4 of 29, Bates ending in 7074,</p> <p>4 the paragraph that begins, The primary media</p> <p>5 strategy.</p> <p>6 Do you see that?</p> <p>7 A. Yes, right under Media Strategy.</p> <p>8 Um-hum.</p> <p>9 Q. It says, The primary media strategy</p> <p>10 will be to build frequency in order to convey</p> <p>11 NHTSA's impaired-driving message. In order to</p> <p>12 affect behavioral change, the message must be</p> <p>13 seen many times within the campaign period.</p> <p>14 Why is it -- what -- what does it</p> <p>15 mean when it says, The primary media strategy</p> <p>16 will be to build frequency in order to convey</p> <p>17 NHTSA's impaired-driving message?</p> <p>18 What does that mean?</p> <p>19 A. So one of the issues here that I</p> <p>20 have is that this is not the final document, and</p> <p>21 I don't have the questions -- they -- they</p> <p>22 apologize in the e-mail. They say they</p>
<p style="text-align: right;">Page 263</p> <p>1 the Impaired-Driving 2019 HVE Campaigns, Labor</p> <p>2 Day and December Holiday, Media Work Plan.</p> <p>3 A. Yeah, we -- the plan, we have not</p> <p>4 reviewed.</p> <p>5 Q. Okay. Take a second to familiarize</p> <p>6 yourself.</p> <p>7 A. Okay.</p> <p>8 (Whereupon, the witness reviews</p> <p>9 the material provided.)</p> <p>10 BY MR. GREENBAUM:</p> <p>11 Q. Ms. McMeen, it's been six minutes.</p> <p>12 Can we try the same approach we used last time,</p> <p>13 where if I ask a question that requires anything</p> <p>14 more than where you have read to so far, you can</p> <p>15 then ask to read any remainder of the document</p> <p>16 you haven't already finished?</p> <p>17 Is that fair?</p> <p>18 A. I guess it depends on the question</p> <p>19 and where it is to --</p> <p>20 Q. Okay.</p> <p>21 A. -- help me answer that.</p> <p>22</p>	<p style="text-align: right;">Page 265</p> <p>1 apologized and asked if you would list the</p> <p>2 questions, and they'd be happy to have them</p> <p>3 addressed. So I must have had questions about</p> <p>4 this. So this is not the final. So I don't know</p> <p>5 if my questions referred to making change -- what</p> <p>6 changes in the document.</p> <p>7 Q. So do you disagree with the</p> <p>8 statement that the primary media strategy that</p> <p>9 NHTSA employees would be to build frequency in</p> <p>10 order to convey NHTSA's impaired-driving message?</p> <p>11 A. Our goals at NHTSA is to build</p> <p>12 reach and frequency. So I'm not sure, depending</p> <p>13 upon what the final document ended up saying,</p> <p>14 given that I had questions and it appears that</p> <p>15 they had -- they are asking in this e-mail for me</p> <p>16 to provide it to them to address them, and I just</p> <p>17 don't know what those questions were, because</p> <p>18 this was four years ago.</p> <p>19 Q. Yeah. So let me try asking very</p> <p>20 generally here about what -- what --</p> <p>21 A. Sure.</p> <p>22 Q. -- you interpret this language to</p>

<p style="text-align: right;">Page 266</p> <p>1 mean, because the last sentence says, Digital and</p> <p>2 paid social will be built -- will build off the</p> <p>3 base created by the traditional portions of the</p> <p>4 media plan.</p> <p>5 What does that mean, that digital</p> <p>6 and paid social will build off the base?</p> <p>7 MR. SOSNOWSKY: Objection:</p> <p>8 foundation.</p> <p>9 THE WITNESS: I'm not really sure</p> <p>10 either --</p> <p>11 BY MR. GREENBAUM:</p> <p>12 Q. Okay.</p> <p>13 A. -- because they're being vague, and</p> <p>14 the problem is this is not the final document,</p> <p>15 and I don't know what the questions that I had</p> <p>16 for them were.</p> <p>17 Q. Generally, do you think that paid</p> <p>18 -- that digital and paid social can build off of</p> <p>19 a base of traditional portions of a media plan?</p> <p>20 MR. SOSNOWSKY: Objection: form.</p> <p>21 THE WITNESS: So I would like to</p> <p>22 refer to today in the way we work things.</p>	<p style="text-align: right;">Page 268</p> <p>1 A. I can say what I see.</p> <p>2 Q. Certainly.</p> <p>3 Do you believe, in your experience,</p> <p>4 that today's media environment is fragmented?</p> <p>5 MR. SOSNOWSKY: Objection: form.</p> <p>6 THE WITNESS: I would say that</p> <p>7 there's many more opportunities to reach</p> <p>8 a target audience.</p> <p>9 BY MR. GREENBAUM:</p> <p>10 Q. Okay. I want to shift to</p> <p>11 discussing Google's and NHTSA's use of Google</p> <p>12 products and services.</p> <p>13 What Google Products does NHTSA or</p> <p>14 its media agencies utilize to purchase</p> <p>15 advertising?</p> <p>16 MR. SOSNOWSKY: Objection: form.</p> <p>17 THE WITNESS: Again, it depends</p> <p>18 upon the campaign and when.</p> <p>19 BY MR. GREENBAUM:</p> <p>20 Q. Does NHTSA or its media agencies</p> <p>21 utilize DV360 to purchase advertising?</p> <p>22 MR. SOSNOWSKY: Objection: form.</p>
<p style="text-align: right;">Page 267</p> <p>1 We look at, holistically, all of the</p> <p>2 channels that we have to build -- to</p> <p>3 create our media buy plan and media buy</p> <p>4 summary to then have the -- the buy</p> <p>5 executed incorporating all the various</p> <p>6 channels to maximize our reach and</p> <p>7 frequency with our target audience.</p> <p>8 BY MR. GREENBAUM:</p> <p>9 Q. Next page, 707 -- two pages later,</p> <p>10 7076, the section says Media Selection and</p> <p>11 Rationale. It says, A multi-platform approach is</p> <p>12 imperative in today's fragmented media</p> <p>13 environment.</p> <p>14 Do you believe that today's media</p> <p>15 environment is fragmented?</p> <p>16 MR. SOSNOWSKY: Objection: form.</p> <p>17 THE WITNESS: I think -- I -- I</p> <p>18 guess I hate to speculate or provide an</p> <p>19 opinion.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. You don't want to speculate on</p> <p>22 today's media environment?</p>	<p style="text-align: right;">Page 269</p> <p>1 THE WITNESS: It depends upon</p> <p>2 which campaign and which contractor we're</p> <p>3 referring to.</p> <p>4 BY MR. GREENBAUM:</p> <p>5 Q. Has NHTSA used DV360 between</p> <p>6 the years 2019 and 2023 to purchase advertising?</p> <p>7 MR. SOSNOWSKY: Objection: form.</p> <p>8 THE WITNESS: It depends upon</p> <p>9 which campaign.</p> <p>10 BY MR. GREENBAUM:</p> <p>11 Q. So I understand it depends on the</p> <p>12 campaign. I just want to understand, has NHTSA</p> <p>13 ever -- strike that.</p> <p>14 Has NHTSA used, at least once,</p> <p>15 DV360 in a campaign to purchase advertising</p> <p>16 between 2019-2023?</p> <p>17 A. I do believe so.</p> <p>18 Q. Which campaigns?</p> <p>19 A. It is on our vehicle side, but I</p> <p>20 can't remember exactly, is my recall. And I</p> <p>21 don't remember from the behavioral side or for</p> <p>22 Ad Council.</p>

Page 426	Page 428
1                C E R T I F I C A T E	1                E R R A T A
2                I, Cindy L. Sebo, Nationally Certified Court	2     WITNESS: SUSAN A. MCMEEN
3     Reporter herein do hereby certify that the foregoing	3     DATE:      September 7, 2023
4     deposition of SUSAN A. MCMEEN was taken before me	4     CAPTION: United States, et al. versus Google LLC
5     pursuant to notice; that said witness was duly sworn	5     PAGE LINE REASON FOR CHANGE:
6     remotely by a certified stenographer to tell the truth,	6     _____
7     the whole truth, and nothing but the truth under penalty	7     _____
8     of perjury; that the testimony of said witness was	8     _____
9     correctly recorded to the best of my ability in machine	9     _____
10    shorthand and thereafter transcribed under my	10    _____
11    supervision with computer-aided transcription; that the	11    _____
12    deposition is a true and accurate record of the	12    _____
13    testimony given by the witness; and that I am neither of	13    _____
14    counsel nor kin to any party in said action, nor	14    _____
15    interested in the outcome thereof.	15    _____
16 	16    _____
17                Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR, CLR,	17    _____
18                RSA, NYRCR, NYACR, CA CSR #14409, NJ CCR	18    _____
19                30XI00244600, NJ CRT 30XR00019500,	19    _____
20                Washington CSR 23005926, Oregon State 230105,	20    _____
21                TN CSR 998, NM CSR 589, Remote Counsel	21    _____
22                Reporter, LiveLitigation Authorized Reporter,	22    DATE          SUSAN A. MCMEEN
1                E R R A T A	1                ACKNOWLEDGMENT OF WITNESS
2     WITNESS: SUSAN A. MCMEEN	2
3     DATE:      September 7, 2023	3                I, SUSAN A. MCMEEN, do hereby certify that I
4     CAPTION: United States, et al. versus Google LLC	4     have read the foregoing pages herein, and that the same
5     PAGE LINE REASON FOR CHANGE:	5     is a correct transcription of the answers given by me of
6     _____	6     the proceedings taken remotely to the questions therein
7     _____	7     propounded under penalty of perjury, except for the
8     _____	8     corrections or changes in form or substance, if any,
9     _____	9     noted in the attached errata sheet.
10    _____	10
11    _____	11
12    _____	12    _____
13    _____	13    DATE                               SIGNATURE
14    _____	14
15    _____	15     Subscribed and sworn to before me
16    _____	16     this ____ day of _____, 20____.
17    _____	17
18    _____	18                My Commission expires:
19    _____	19    _____
20    _____	20
21    _____	21    _____
22    _____	22                Notary Public

## E R R A T A

WITNESS: SUSAN A. MCMEEN

DATE: September 7, 2023

CAPTION: United States, et al. versus Google LLC

PAGE LINE Change:

29 5 Change "Mark" to "Marketing"

29 14 Change "Consumer information and communications" to  
"Office of Communication and Consumer Information"

33 2 Change "Camp" to "Campaigns"

48 17 Change "Tom Brus" to "Tombras"

48 20 Change "Tom Brus" to "Tombras"

143 8 Delete "perch-"

165 3 Change "Sierra" to "Glaelis Sierra"

165 4 Change "Sierra Giaelis" to "Glaelis Sierra"

165 5 Change "Sierra Giaelis" to "Glaelis Sierra"

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## ACKNOWLEDGMENT OF WITNESS

I, SUSAN A. MCMEEN, do hereby certify that I have read the foregoing pages herein, and that the same is a correct transcription of the answers given by me of the proceedings taken remotely to the questions therein propounded under penalty of perjury, except for the corrections or changes in form or substance, if any, noted in the attached errata sheet.

10/5/23

Susan McMeen

DATE

SIGNATURE

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission expires:

Notary Public